

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

John Zerbe, Trustee

v.

NH Civil No. 05-ds-21-JD
PR Civil No. 02-2357

Gabriela Alejandra Guzman Pinal
and Luis Olmos Dueas

O R D E R

On July 19, 2006, the parties filed a notice of settlement in this case, which was contingent upon the approval of the bankruptcy court. John Zerbe, Trustee, filed a notice of the settlement in the bankruptcy court, and in response, on August 29, 2006, that court ordered the Trustee to file a copy of the settlement agreement. The Trustee moved to file the settlement agreement, and a hearing was set for October 11, 2006. The bankruptcy court's docket indicates that the hearing was held as scheduled and that the bankruptcy court approved the settlement on October 18, 2006, "as per Opinion and Order entered in Adversary Proceeding No. 06-87 (dkt #33)."

Adversary Proceeding No. 06-87 is a case brought by Cast Entertainment, Inc., against Alejandra Guzman, the same defendant as in this case. In that case, Cast Entertainment v. Guzman, judgment was entered on October 12, 2006, as follows:

Judgment is hereby entered dismissing the complaint with prejudice pursuant to the terms and conditions of the Settlement and release Agreement executed by John Zerbe as Trustee for the Estate of Alfredo Castellanos Bayouth, Alfredo Castellanos Bayouth and Gabriela Alejandra Guzman, a/k/a Alejandra Guzman, filed on September 15, 2006 (dkt. #27), and approved in open court during the October 11, 2006, [sic] provided the payment \$100,000.00 is deposited with the Clerk of this Court.

Id. (doc. no. 33). The parties have not filed the settlement agreement or a notice that the bankruptcy court has approved the settlement in this court.

Conclusion

For the foregoing reasons, the court will dismiss this case with prejudice based upon the parties' settlement as approved by the bankruptcy court unless the parties show cause **on or before November 8, 2006**, as to why the case should remain open.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge
(Sitting by designation.)

October 30, 2006

cc: Alfredo Castellanos-Bayouth, Esquire
Angel E. Rotger-Sabat, Esquire
USDC-PR, Clerk